

it is no surprise that inspectors focused more on finding nitpicky and paperwork violations to cite than the overall safety and health conditions of the workplace. The change enacted into law this year prohibits that practice. OSHA may not use enforcement measures, such as penalties and citations, to evaluate the performance of their compliance officers or their supervisors. The goal of OSHA should be safe and healthy jobs, not achieving a certain level of citations and fines.

The third change enacted this year was a bill sponsored by Senator Enzi to apply to OSH Act, including enforcement and penalties, to the U.S. Postal Service. The Postal Service has, in terms of the OSH Act, been considered a federal agency, even though it is now largely independent and directly competes with private companies. Furthermore, worker health and safety has been a continuing concern at the Postal Service. Putting the Postal Service under OSHA enforcement helps to "level the playing field" as it competes with private companies.

In addition to these three amendments to the OSH Act, I am pleased that the omnibus appropriations bill authorizes and funds a comprehensive and independent study of ergonomics, to be conducted by the National Academy of Sciences (NAS). In past years, Congress has explicitly prohibited OSHA from promulgating an ergonomics standard. This year's appropriation bill does not include such a prohibition. However, OSHA is required by its statute to base an ergonomics standard on "the best available evidence," and the purpose of the NAS study is to assess and report on what the best evidence is with regard to the nature, causes, and prevention of so-called ergonomics injuries. It would therefore, in my view, be inconsistent with the statute for OSHA to promulgate an ergonomics standard before the NAS study is completed.

We also made progress on several other items, but we were unable to enact those changes into law this year. I am disappointed that we were unable to enact legislation to help small businesses handle the paperwork burden imposed by OSHA's Hazard Communication Standard. This was bipartisan legislation in both the House and the Senate. It simply made clear that employers could comply with the OSHA Hazard Communication Standard's requirement for Material Safety Data Sheets on hazardous substances through the use of electronic means, rather than paper copies. It also provided that certain basic information on the substance be attached and written in terms understandable to non-chemistry majors. The bill passed the House on voice vote, but opposition to the bill from the Department of Labor prevented this bill from being considered in the Senate in the final days of the session. This is most unfortunate, as it would have benefited both small business and workers.

I am also disappointed that we were unable to make more progress in reforming OSHA's standards-setting process. Charles Jeffress, the current Assistant Secretary for OSHA, has complained that OSHA's standards-setting process is broken and needs to be fixed. He is not the first Assistant Secretary to acknowledge that, and I agree that there are serious problems with the current standards-setting process. The Committee on Education and the Workforce attempted to address that problem this year with two bills that would have re-

quired OSHA to use outside, independent experts to "peer review" the technical scientific and economic data used as the basis for standards, and to write standards that are specific to identified industries and operations. Together these reforms would make OSHA's standards more credible and more efficient in protecting health and safety without imposing undue costs. Ironically, Mr. Jeffress' own Department of Labor opposed both of these common sense reforms. Rep. Wicker also worked very hard to include a provision in the appropriations bill, similar to the bill that passed our Committee, that would have required OSHA to conduct peer review of the technical scientific and economic data and assumptions used as the basis for standards. As my colleagues know, credible scientific enterprise includes peer review. Study after study and report after report—all have urged federal agencies, including OSHA, to use peer review. The blame for the state of OSHA's standards-setting process falls squarely on the Department of Labor, which has consistently opposed even the mildest and most common sense reforms in that process.

There are other issues that still need to be addressed as well. OSHA does little to encourage voluntary workplace efforts by employers and employees to improve safety and health, and some of OSHA's policies actually discourage those efforts. During this Congress, I proposed changes that would have limited OSHA's access of an employer's own safety and health audits and assessments. OSHA's use of those for enforcement discourages companies' voluntary, thorough, and honest evaluations. I also proposed that we improve the legal protections for employees who raise health and safety concerns, to ensure that they have a fair and adequate means of redress if they are discriminated against for raising these concerns. Unfortunately the Clinton Administration was unwilling to go along with these changes to improve the legal protections for employers and employees who make efforts to improve safety and health in the workplace. Opposition from the Clinton Administration also continues to stymie efforts to allow greater employer-employee cooperation on safety and health and other issues in their workplaces. My colleague, and Chairman of the Small Business Committee, Representative JIM TALENT, together with Senator MIKE ENZI, have proposed a forward-looking plan to allow companies to self-certify OSHA compliance, encouraging the pro-active use of private experts instead of waiting for a relatively rare OSHA inspection. All of these are issues and proposals which we should continue to work on next Congress.

In response to our efforts, OSHA has also made administrative changes which have helped to focus more of its resources on serious health and safety concerns. I applaud those changes. Other changes, however, such as the misnamed "cooperative compliance program," have shown how difficult it is to change OSHA's traditional "command and control" approach. The slow pace and inconsistent direction of OSHA's own "reinvention" changes points to the needs for continued legislative reform as well as continued oversight to ensure that OSHA effectively promotes the goal of safe and healthful jobs for our nation's workers.

NANCY BOONE FANNING RETIRES FROM INSULAR AFFAIRS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. UNDERWOOD. Mr. Speaker, I rise to announce that a long-time friend of Guam and a dedicated public servant has retired. Mrs. Nancy Boone Fanning, who has worked at the Department of the Interior, mainly on island issues retired at the end of September, after 27 years of dedicated service to this Nation.

It is no exaggeration to say that this wonderful lady will be missed by her colleagues at the Office of Insular Affairs (OIA), where she has been the Chief of Territorial Liaison and Director of Policy and her many friends in America's offshore areas. All of us have come to know and respect Nancy as a first-rate civil servant who put the interests of her staff and her job before those of her own. Over the years, she has encouraged the talents and careers of countless subordinates and been a strong advocate within the bureaucracy on their behalf.

She will also be missed by the leaders of America's offshore islands, who have come to know and rely on her professionalism, intense knowledge of island affairs, and devotion to duty that has always been a hallmark of Mrs. Fanning's career. In the process, she has won the trust and friendship of numerous island presidents, governors, legislators and other leaders.

In a letter recently sent to Interior Secretary Bruce Babbitt, the Honorable Carl T.C. Gutierrez, Governor of Guam, talked about one area in which he believed that Mrs. Fanning has made a valuable contribution. The Governor wrote: "If there is any success in the U.S. Coral Reef Initiative, or any of the local initiatives which followed, Mrs. Fanning is directly responsible. She worked tirelessly to make the Initiative a living document with real and measurable goals and direction. Without her support, the damage done to Guam's reefs from Typhoon Paka would have been much greater. Nancy worked quickly to identify clean-up funds and transfer them to Guam in the most expedition manner possible. One of her legacies will be that reefs surrounding the U.S. insular areas are healthier and better managed because Nancy was there to help."

During her years at what is now called the Office of Insular Affairs, Nancy has worked on virtually every significant insular issue the Federal Government since the 1970's. Included in the long list of major issues in which she has participated, are the creation of an elected governor for American Samoa, the phase-out of Interior-run administration of the former Trust Territory and the introduction of local self-government in these Pacific Islands, the Reagan-Bush negotiations on Guam Commonwealth, discussions over Guam excess federal lands and the introduction of the Asian Development Bank into the Federated States of Micronesia and the Marshall Islands.

As Director of Policy, Nancy used her vast experience with the islands and their unique relationship with the Federal Government to ensure that the Department of the Interior was able to meet its moral and legal obligations to the residents of America's territories and possessions. In the process, several generations of

island leaders and a host of Washington officials, including many on Capitol Hill, found that Mrs. Fanning was a Federal employee who could be depended on time after time to get the job done. It was never a surprise to anyone who knew Nancy to find her in her office late at night or on weekends, working hard, and never complaining. Those who wonder whether Federal workers earn their pay have obviously never met Nancy Boone Fanning.

Nancy Boone arrived at Interior just a few days short of her eighteenth birthday from her home in West Virginia in September, 1971. She was educated in a one-room school house during her elementary school years, and made the decision to seek work in Washington after graduation from high school. Nancy's first job at Interior was as a secretary with the pay level of GS-3. Twenty-seven years later, she was at the top of the Federal pay schedule, a reflection of just how valuable she has been to the Department of the Interior.

With 27 years of long hours and endless commute behind her, Nancy has decided to change her life's priorities and devote time to her husband Mike Fanning and their young son, Michael. All of us wish her and her family the best of success in the future.

I extend to Nancy my best wishes in retirement and thank her, on behalf of my constituents, for the outstanding work she has done on our behalf over the years.

CONFUSING BANKRUPTCY PROVISION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. CONYERS. Mr. Speaker, as ranking member of the Judiciary Committee, I want to elucidate on the meaning of an isolated and confusing bankruptcy provision which unfortunately appeared in the omnibus appropriations bill approved by the House yesterday. Section 603 of Division I of the bill, entitled Chemical Weapons Convention should have originally been referred to the Judiciary Committee for action and study. As the Speaker is aware, bankruptcy legislation is quite complex and requires scrutiny of Members who are familiar with the impact of proposed amendments.

Most importantly, this legislation should not be read to expand the exceptions to the automatic stay to cases where governmental units are merely seeking to exercise control of a debtor's property to satisfy debt. I believe that the provisions should be read to restrict the exception to the automatic stay to circumstances where a governmental unit is enforcing its police or regulatory power, but not acting to collect a debt or other financial obligations. This interpretation is consistent with Chairman HYDE's reading of the language, which is reflected in a statement inserted in the CONGRESSIONAL RECORD on his behalf by International Relations Committee Chairman GILMAN subsequent to previous Congressional consideration of this legislation. See 143 Cong. Rec. H 10951 (Nov. 13, 1997).

I am also concerned that by repealing § 362(b)(4) and § 362(b)(5) of the automatic stay, some may assert that governmental units may now be required to seek relief from stay

in order to enforce their pales for regulatory powers in all cases, except in the instance when the governmental units' activities involves action under the Convention in connection with chemical weapons. I do not believe that this new requirement was intended, nor would it be desirable.

ON IMPEACHMENT INQUIRY RESOLUTIONS

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Ms. ESHOO. Mr. Speaker, on October 8, 1998, I cast what I believe was the most significant vote of my entire six-year service in the House of Representatives. The issue of impeachment is as weighty as the Constitution itself—it is a matter that has been debated only three times in the history of our nation.

The House of Representatives received two proposals. Both proposals directed the House to proceed with an inquiry for impeachment. Where the proposals differed was in scope and duration. I voted for the proposal that instructed the House Judiciary Committee to conclude its work by the end of the year, and to examine and make determinations on the Starr Report and the Starr Report only.

Mr. Speaker, this was not a vote for or against the President. It was, in fact, a vote about fairness to the American people and what is in our national interest. The President must be held accountable by our constitutional process, but the American people should not be punished by how Congress applies that process.

TRIBUTE TO THE SOCIAL SECURITY ADMINISTRATION CHICAGO EAST FIELD OFFICE

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to and recognize the Chicago East Field Office of the Social Security Administration as they celebrate the grand opening of their new office on Thursday, October 22, 1998.

Since 1939, the Chicago East Field Office has provided outstanding service to the people of the city of Chicago and indeed, the entire state of Illinois. They have been instrumental in rebuilding public confidence in the long term solvency of the Social Security Trust funds, Retirement and Survivors Insurance, Disability Insurance and Supplemental Security Income Programs.

The Chicago East Field Office is an exemplary community-based, public service institution that has been cited on numerous occasions by the Social Security Administration for successfully processing critical workload assignments that have led to improved service delivery for the agency and cost-effective savings to this nation's taxpayers. This office has worked tirelessly and cooperatively with my district office to ensure that the residents of the First Congressional District receive quality,

timely and courteous assistance from their Federal government.

The employees of the Chicago East Field Office are intimately involved in civic endeavors, contributing thousands of dollars annually to the financially less fortunate, through the Combined Federal Campaign and other local, charitable, gift giving initiatives.

Mr. Speaker, I am honored to recognize the Chicago East Field Office of the Social Security Administration and Clara J. Bowers, District Manager; Renette Coachman, Assistant District Manager and Doris Murray, District Operations Officer for their unwavering service and commitment to our community. I am proud to join the celebration of the grand opening of their new service facility and I am privileged to enter these words in the CONGRESSIONAL RECORD of the United States House of Representatives.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1999

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 1998

Mr. SAXTON. Mr. Speaker, as Chairman of the Congressional Task Force on Terrorism and Unconventional Warfare, I strongly support Section 117 of the Treasury Appropriations Conference Report now part of the FY 1999 Omnibus Appropriations Bill, which was passed by the House of Representatives on October 20, 1998. This Section arose out of a need to assist American victims of terrorism or extrajudicial killing in recovering assets of states that sponsor terrorism in order to help satisfy civil judgments against such state-sponsors.

I would like to comment briefly on the operation of Section 117. Subsection (f)(1)(A) clarifies existing law to allow the post-judgment seizure of blocked foreign assets of terrorist states to help satisfy judgment resulting from actions brought against them under section 28 USC 1605(a)(7), the Foreign Sovereign Immunities Act's exception to immunity for acts of state sponsored terrorism involving the death or personal injury of a United States national.

Subsection (f)(2)(A) establishes requirements upon the Secretary of Treasury and Secretary of State to assist in the location of the blocked assets of terrorist states in order to facilitate attachment and execution. Section (d) allows the President to waive the requirements of Subsection (f)(2)(A). Section (d) however does not allow the waiver of subsection (f)(1)(A), as that subsection modifies existing law, but imposes no "requirement."

The Clinton Administration understands the operation of Section (d)'s waiver and has strongly opposed it. During the negotiations over the Omnibus Appropriations Bill, the Administration vigorously sought to expand the scope of the waiver to include Subsection (f)(1)(A). Various proposals to expand the waiver to include Subsection (f)(1)(A) were received from Under Secretary of State Eizenstat, the National Security Counsel Staff and the Department of State's Office of the Legal Advisor. Each of these many proposals were rejected by Congress.

The intent of Congress is clear. We will not tolerate the murder of our children in acts of